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10 Attorneys for Plaintiff
11 FACEBOOK, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15
16 FACEBOOK, INC.,

17 Plaintiff,

18 v.

19 STUDIVZ LTD., HOTLZBRINCK
20 NETWORKS GmbH, HOLTZBRINCK
VENTURES GmbH, and DOES 1-25,

21 Defendants.

Case No. 5:08-cv-03468 JF

**[PROPOSED] ORDER
SANCTIONING DEFENDANTS FOR
DISCOVERY ABUSES**

Date: March 3, 2009
Time: 10:00 a.m.
Room: Courtroom 2, 5th Floor

Judge: Honorable Magistrate Judge
Howard R. Lloyd, for
Discovery Purposes

1 The Court, having considered Facebook, Inc.'s ("Facebook") Motion For
2 Sanctions Against Defendants StudiVZ Ltd., Holtzbrinck Ventures GmbH and Holtzbrinck
3 Networks GmbH for Discovery Abuses, the declarations filed in support thereof, and the records
4 on file in this action, hereby orders as follows:

5 IT IS HEREBY ORDERED that Defendants compensate Facebook for costs and
6 attorneys' fees incurred in attending and participating in meet and confer conferences that took
7 place on December 23, 2008, December 30, 2008 and January 6, 2009 as well as costs and
8 attorneys' fees incurred in the preparation of Facebook's Motion to Compel Discovery Responses
9 filed January 27, 2009. Facebook shall file its evidence in support of the amount no later than

10 _____.

11 IT IS FURTHER ORDERED that a negative inference be drawn regarding
12 discovery withheld by Defendants. Facebook is to be placed in the position in which it would
13 have been had that discovery been entirely favorable to it.

14 IT IS FURTHER ORDERED that a Special Master be assigned to all future
15 discovery events, cost to be borne by Defendants, including meet and confer conferences and any
16 depositions of Defendants' witnesses.

17 IT IS SO ORDERED.

18
19 Dated:

Honorable Howard R. Lloyd
United States Magistrate Judge

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that this document(s) filed through the ECF system will be sent
3 electronically to the registered participants as identified on the Notice of Electronic Filing (NEF)
4 and paper copies will be sent to those indicated as non registered participants on January 27,
2009.

5 Dated: January 27, 2009.

Respectfully submitted,

6 /s/ Thomas J. Gray

7 Thomas J. Gray